

REMARKS

The Board of Appeals has reversed the rejection of Claims 1, 3, 8-12, 27, 28, and 30 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In addition, the Board of Appeals has entered new grounds of rejection with respect to Claims 1, 3, 8-13, 15, 20-28 and 30. Specifically, the Board of Appeals has rejected Claims 1, 8-11, 13, 20-23, 25-28, and 30 under 35 U.S.C. 103(a) as being unpatentable over Ronen (U.S. Patent No. 5,905,736), in view of Egendorf (U.S. Patent No. 5,794,221), in view of Foster (U.S. Patent No. 6,332,134), and in further view of O’Neil (U.S. Publication No. 2002/0069165). The Board of Appeals has also rejected Claims 12 and 24 under 35 U.S.C. 103(a) as being unpatentable over Ronen, in view of Egendorf, in view of Foster, in view of O’Neil, and in further view of Wilf et al. (U.S. Patent No. 5,899,980). Further, the Board of Appeals has rejected Claims 3 and 15 under 35 U.S.C. 103(a) as being unpatentable over Ronen, in view of Egendorf, in view of Foster, in view of O’Neil, and in further view of Stewart (*Connecting with confidence (Web Techniques)* by John Stewart).

Applicant respectfully disagrees with such rejections. Specifically, applicant notes that the effective date of the O’Neil reference is 12/06/2000, which is after applicant’s claimed priority date of 06/12/2000. Thus, applicant respectfully asserts that reliance on the O’Neil reference as prior art is improper.

Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has amended each of the independent claims to include the following for further distinguishing applicant’s claim language from the above reference:

“wherein the network service provider maintains the account for the user, the account including the user data for allowing the user data to be identified

based on the received information" (see this or similar, but not necessarily identical language in the independent claims).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above. Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 31-34 below, which are added for full consideration:

"wherein the URL link is provided to the site by the network service provider for relaying the URL link from the site to the user" (see Claim 31);

"wherein the received information further includes credit card information provided by the user during the transaction, and the account is identified using the at least a portion of the IP address and the credit card information for providing strengthened user authentication that reduces fraud" (see Claim 32);

“wherein the network service provider maintains a hierarchy of purchasable item categories, and the site is required to sign an agreement to tag goods and services with a category identifier for allowing the user to pre-select purchasable categories when the account of the user is set up for limiting categories from which items are allowed to be purchased” (see Claim 33); and

“wherein the URL link links to another site that is internal to the network service provider with another IP address that is incapable of being accessed from outside a network of the network service provider, and the URL link is pushed at a browser by the site, the site incapable of accessing the URL link because the site is outside of the network” (see Claim 34).

Again, a notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

To this end, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. AMDCP006).

Respectfully submitted,
Zilka-Kotab, PC.

/KEVINZILKA/

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100

Kevin J. Zilka
Registration No. 41,429